

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

MARIAH LOPEZ,

Plaintiff,

vs.

**1:19-CV-1072
(TJM/CFH)**

**CAPITAL REGION TRANSPORTATION AUTHORITY,
et al.,**

Defendants.

**Thomas J. McAvoy,
Sr. U.S. District Judge**

DECISION & ORDER

The Court referred this *pro se* civil action to Magistrate Judge Christian F. Hummel for a Report-Recommendation pursuant to 28 U.S.C. § 636(b) and Local Rule 72.3(c). Plaintiff, proceeding *pro se* and *in forma pauperis*, alleges that Defendants violated her rights under the Americans with Disabilities Act, 42 U.S.C. §§ 12101, *et seq*, when they refused to accommodate her disability on public transportation.

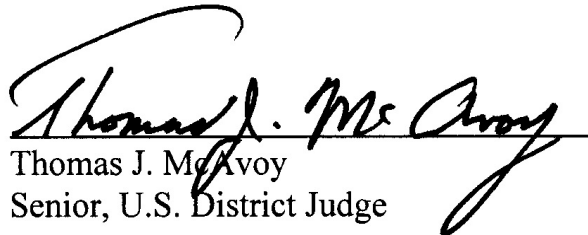
Judge Hummel's Report-Recommendation, issued on December 17, 2021, recommends that the Defendants' motions to dismiss be granted. Judge Hummel reports that Plaintiff did not respond to the motions despite several opportunities to do so. Judge Hummel eventually held a telephone conference to address the motions, and Plaintiff did not participate or even appear. As such, he finds, Plaintiff has abandoned her claims and dismissal is appropriate.

No party objected to the Report-Recommendation, and the time for such objections has passed. After examining the record, this Court has determined that the Report-Recommendation is not subject to attack for plain error or manifest injustice and the Court will accept and adopt the Report-Recommendation for the reasons stated therein.

Accordingly,

The Report-Recommendation of Judge Hummel, dkt. # 49, is hereby **ACCEPTED** and **ADOPTED**. Defendant City of Watervliet's motion to dismiss, dkt. # 43, is hereby **GRANTED**. Defendant Capital Region Transportation Authority's motion to dismiss, dk. # 44, is hereby **GRANTED**.

IT IS SO ORDERED.


Thomas J. McAvoy
Senior, U.S. District Judge

Dated: April 22, 2022